

March 20. 2013

RE: Testimony against the U.S. Department of Education and Common Core Curriculum

Dear Honorable Michigan Lawmakers,

Today we must acknowledge all the failures of Federal Government programs:

\*"The U.S. Post Service was established in 1775 – they've had *over* 234 years to get it right; it is broke, and even though heavily subsidized, it can't compete with private sector FedEx and UPS services.

Social Security was established in 1935 – they've had *over* 74 years to get it right; it is broke.

Fannie Mae was established in 1938 – they've had *over* 71 years to get it right; it is broke.

Freddie Mac was established in 1970 – they've had *over* 39 years to get it right; it is broke.

Together Fannie and Freddie have now led the entire world into the worst economic collapse in 80 years.

The War on Poverty was started in 1964 – they've had *over* 45 years to get it right; \$1 trillion of our hard earned money is confiscated each year and transferred to "the poor"; it hasn't worked.

Medicare and Medicaid were established in 1965 – they've had *over* 44 years to get it right; they are both broke; and now our government dares to mention them as models for all US health care.

AMTRAK was established in 1970 – they've had *over* 39 years to get it right; *in the past* they bailed it out as it continues to run at a loss!"

Look at the national debt and the national deficit; not success stories. The assault by the federal government on the lives of the civilian population can't be denied. Try buying a toilet that truly flushes well.

We all know that we could spend the next months sitting here adding to the list. All the loser ideas that have plagued the nation with failure after failure are big government leftist ideas that trample the lives of the private citizen and grow government. So the question is.... do we really want to offer our children up on this idiotic altar of liberal sacrifice as the latest tributes?

Reject Common Core.

My Best,

Isabelle Elise Terry  
Rockford, Michigan.

**\*quote from *The federal government's 100% failure rate* by Crush Liberalism Blog dated 9/8/09.**

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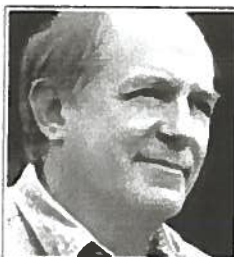
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01/2012

January 2012

**Charles Murray**  
**American Enterprise Institute**  
**Do We Need the Department of Education?**



Charles Murray is the W.H. Brady Scholar at the American Enterprise Institute. He received his B.A. in history at Harvard University and his Ph.D. in political science from the Massachusetts Institute of Technology. He has written for numerous newspapers and journals, including the *Washington Post*, the *Wall Street Journal*, the *New York Times*, the *Weekly Standard*, *Commentary*, and *National Review*. His books include *Losing Ground: American Social Policy 1950-1980*, *What It Means to Be a Libertarian*, and *Real Education: Four Simple Truths for Bringing America's Schools Back to Reality*. His new book, *Coming Apart: The State of White America, 1960-2010*, will be published at the end of January.

*The following is adapted from a speech delivered in Atlanta, Georgia, on October 28, 2011, at a conference on "Markets, Government, and the Common Good," sponsored by Hillsdale College's Center for the Study of Monetary Systems and Free Enterprise.*

THE CASE FOR the Department of Education could rest on one or more of three legs: its constitutional appropriateness, the existence of serious problems in education that could be solved only at the federal level, and/or its track record since it came into being. Let us consider these in order.

(1) Is the Department of Education constitutional?

At the time the Constitution was written, education was not even considered a function of local government, let alone the federal government. But the shakiness of the Department of Education's constitutionality goes beyond that. Article 1, Section 8 of the Constitution enumerates the things over which Congress has the power to legislate. Not only does the list not include education, there is no plausible rationale for squeezing education in under the commerce clause. I'm sure the Supreme Court found a rationale, but it cannot have been plausible.

On a more philosophical level, the framers of America's limited government had a broad allegiance to what Catholics call the principle of subsidiarity. In the secular world, the principle of subsidiarity means that local government should do only those things that individuals cannot do for themselves, state government should do only those things that local governments cannot do, and the federal government should do only those things that the individual states cannot do. Education is something that individuals acting alone and cooperatively can do, let alone something local or state governments can do.

I should be explicit about my own animus in this regard. I don't think the Department of Education is constitutionally legitimate, let alone appropriate. I would favor abolishing it even if, on a pragmatic level, it had improved American education. But I am in a small minority on that point, so let's move on to the pragmatic questions.

(2) Are there serious problems in education that can be solved only at the federal level?

The first major federal spending on education was triggered by the launch of the first space satellite, Sputnik, in the fall of 1957, which created a perception that the United States had fallen behind the Soviet Union in science and technology. The legislation was specifically designed to encourage more students to go into math and science, and its motivation is indicated by its title: The National Defense Education Act of 1958. But what really ensnared the federal government in education in the 1960s had its origins elsewhere—in civil rights. The Supreme Court declared segregation of the schools unconstitutional in 1954, but—withstanding a few highly publicized

episodes such as the integration of Central High School in Little Rock and James Meredith's admission to the University of Mississippi—the pace of change in the next decade was glacial.

Was it necessary for the federal government to act? There is a strong argument for "yes," especially in the case of K-12 education. Southern resistance to desegregation proved to be both stubborn and effective in the years following *Brown v. Board of Education*. Segregation of the schools had been declared unconstitutional, and constitutional rights were being violated on a massive scale. But the question at hand is whether we need a Department of Education now, and we have seen a typical evolution of policy. What could have been justified as a one-time, forceful effort to end violations of constitutional rights, lasting until the constitutional wrongs had been righted, was transmuted into a permanent government establishment. Subsequently, this establishment became more and more deeply involved in American education for purposes that have nothing to do with constitutional rights, but instead with a broader goal of improving education.

The reason this came about is also intimately related to the civil rights movement. Over the same years that school segregation became a national issue, the disparities between black and white educational attainment and test scores came to public attention. When the push for President Johnson's Great Society programs began in the mid-1960s, it was inevitable that the federal government would attempt to reduce black-white disparities, and it did so in 1965 with the passage of two landmark bills—the Elementary and Secondary Education Act and the Higher Education Act. The Department of Education didn't come into being until 1980, but large-scale involvement of the federal government in education dates from 1965.

(3) So what is the federal government's track record in education?

The most obvious way to look at the track record is the long-term trend data of the National Assessment of Educational Progress (NAEP). Consider, for instance, the results for the math test for students in fourth, eighth and twelfth grades from 1978 through 2004. The good news is that the scores for fourth graders showed significant improvement in both reading and math—although those gains diminished slightly as the children got older. The bad news is that the baseline year of 1978 represents the nadir of the test score decline from the mid-1960s through the 1970s. Probably we are today about where we were in math achievement in the 1960s. For reading, the story is even bleaker. The small gains among fourth graders diminish by eighth grade and vanish by the twelfth grade. And once again, the baseline tests in the 1970s represent a nadir.

From 1942 through the 1990s, the state of Iowa administered a consistent and comprehensive test to all of its public school students in grade school, middle school, and high school—making it, to my knowledge, the only state in the union to have good longitudinal data that go back that far. The Iowa Test of Basic Skills offers not a sample, but an entire state population of students. What can we learn from a single state? Not much, if we are mainly interested in the education of minorities—Iowa from 1942 through 1970 was 97 percent white, and even in the 2010 census was 91 percent white. But, paradoxically, that racial homogeneity is also an advantage, because it sidesteps all the complications associated with changing ethnic populations.

Since retention through high school has changed greatly over the last 70 years, I will consider here only the data for ninth graders. What the data show is that when the federal government decided to get involved on a large scale in K-12 education in 1965, Iowa's education had been improving substantially since the first test was administered in 1942. There is reason to think that the same thing had been happening throughout the country. As I documented in my book, *Real Education*, collateral data from other sources are not as detailed, nor do they go back to the 1940s, but they tell a consistent story. American education had been improving since World War II. Then, when the federal government began to get involved, it got worse.

I will not try to make the case that federal involvement caused the downturn. The effort that went into programs associated with the Elementary and Secondary Education Act of 1965 in the early years was not enough to have changed American education, and the more likely causes for the downturn are the spirit of the 1960s—do your own thing—and the rise of progressive education to dominance over American public education. But this much can certainly be said: The overall data on the performance of American K-12 students give no reason to think that federal involvement, which took the form of the Department of Education after 1979, has been an engine of improvement.

What about the education of the disadvantaged, especially minorities? After all, this was arguably the main reason that the federal government began to get involved in

education—to reduce the achievement gap separating poor children and rich children, and especially the gap separating poor black children and the rest of the country.

The most famous part of the Elementary and Secondary Education Act was Title I, initially authorizing more than a billion dollars annually (equivalent to more than \$7 billion today) to upgrade the schools attended by children from low-income families. The program has continued to grow ever since, disposing of about \$19 billion in 2010 (No Child Left Behind has also been part of Title I).

Supporters of Title I confidently expected to see progress, and so formal evaluation of Title I was built into the legislation from the beginning. Over the years, the evaluations became progressively more ambitious and more methodologically sophisticated. But while the evaluations have improved, the story they tell has not changed. Despite being conducted by people who wished the program well, no evaluation of Title I from the 1970s onward has found credible evidence of a significant positive impact on student achievement. If one steps back from the formal evaluations and looks at the NAEP test score gap between high-poverty schools (the ones that qualify for Title I support) and low-poverty schools, the implications are worse. A study by the Department of Education published in 2001 revealed that the gap grew rather than diminished from 1986—the earliest year such comparisons have been made—through 1999.

That brings us to No Child Left Behind. Have you noticed that no one talks about No Child Left Behind any more? The explanation is that its one-time advocates are no longer willing to defend it. The nearly-flat NAEP trendlines since 2002 make that much-ballyhooed legislative mandate—a mandate to bring all children to proficiency in math and reading by 2014—too embarrassing to mention.

In summary: the long, intrusive, expensive role of the federal government in K-12 education does not have any credible evidence for a positive effect on American education.

\* \* \*

I have chosen to focus on K-12 because everyone agrees that K-12 education leaves much to be desired in this country and that it is reasonable to hold the government's feet to the fire when there is no evidence that K-12 education has improved. When we turn to post-secondary education, there is much less agreement on first principles.

The bachelor of arts degree as it has evolved over the last half-century has become the work of the devil. It is now a substantively meaningless piece of paper—genuinely meaningless, if you don't know where the degree was obtained and what courses were taken. It is expensive, too, as documented by the College Board: Public four-year colleges average about \$7,000 per year in tuition, not including transportation, housing, and food. Tuition at the average private four-year college is more than \$27,000 per year. And yet the B.A. has become the minimum requirement for getting a job interview for millions of jobs, a cost-free way for employers to screen for a certain amount of IQ and perseverance. Employers seldom even bother to check grades or courses, being able to tell enough about a graduate just by knowing the institution that he or she got into as an 18-year-old.

So what happens when a paper credential is essential for securing a job interview, but that credential can be obtained by taking the easiest courses and doing the minimum amount of work? The result is hundreds of thousands of college students who go to college not to get an education, but to get a piece of paper. When the dean of one East Coast college is asked how many students are in his institution, he likes to answer, "Oh, maybe six or seven." The situation at his college is not unusual. The degradation of American college education is not a matter of a few parents horrified at stories of silly courses, trivial study requirements, and campus binge drinking. It has been documented in detail, affects a large proportion of the students in colleges, and is a disgrace.

The Department of Education, with decades of student loans and scholarships for university education, has not just been complicit in this evolution of the B.A. It has been its enabler. The size of these programs is immense. In 2010, the federal government issued new loans totaling \$125 billion. It handed out more than eight million Pell Grants totaling more than \$32 billion dollars. Absent this level of intervention, the last three decades would have seen a much healthier evolution of post-secondary education that focused on concrete job credentials and courses of studies not constricted by the traditional model of the four-year residential college. The absence of this artificial subsidy would also have let market forces hold down costs. Defenders of the Department of Education can unquestionably make the case that its policies have increased the number of people going to four-year residential colleges. But I view that as part of the Department of Education's indictment, not its

defense.

\* \* \*

What other case might be made for federal involvement in education? Its contributions to good educational practice? Think of the good things that have happened to education in the last 30 years—the growth of homeschooling and the invention and spread of charter schools. The Department of Education had nothing to do with either development. Both happened because of the initiatives taken by parents who were disgusted with standard public education and took matters into their own hands. To watch the process by which charter schools are created, against the resistance of school boards and administrators, is to watch the best of American traditions in operation. Government has had nothing to do with it, except as a drag on what citizens are trying to do for their children.

Think of the best books on educational practice, such as Howard Gardner's many innovative writings and E.D. Hirsch's *Core Knowledge Curriculum*, developed after his landmark book, *Cultural Literacy*, was published in 1987. None of this came out of the Department of Education. The Department of Education spends about \$200 million a year on research intended to improve educational practice. No evidence exists that these expenditures have done any significant good.

As far as I can determine, the Department of Education has no track record of positive accomplishment—nothing in the national numbers on educational achievement, nothing in the improvement of educational outcomes for the disadvantaged, nothing in the advancement of educational practice. It just spends a lot of money. This brings us to the practical question: If the Department of Education disappeared from next year's budget, would anyone notice? The only reason that anyone would notice is the money. The nation's public schools have developed a dependence on the federal infusion of funds. As a practical matter, actually doing away with the Department of Education would involve creating block grants so that school district budgets throughout the nation wouldn't crater.

Sadly, even that isn't practical. The education lobby will prevent any serious inroads on the Department of Education for the foreseeable future. But the answer to the question posed in the title of this talk—"Do we need the Department of Education?"—is to me unambiguous: No.

| **More**

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# EDUCATION REPORTER

NUMBER 305

THE NEWSPAPER OF EDUCATION RIGHTS

JUNE 2011

## Common Core Sparks War

Scattered opposition to the Common Core standards adopted by 42 states and the District of Columbia is beginning to coalesce into more organized resistance. So far, more than 200 leaders in education, business and public policy have signed a statement arguing against developing national assessments and shared curriculum based on the standards. (See page 3 for the full statement and a partial list of signatories.)

The self-described "counter-manifesto" is a rebuttal of the "Call for Common Content," released in March by the Albert Shanker Institute, a Washington-based advocacy group named for the late president of the American Federation of Teachers (AFT) union. The Shanker manifesto, signed by more than 200 union officials, businessmen and policy makers, calls for the development of standards and "shared curriculum" for nearly every subject, including English, math, history, geography, the sciences, arts, and health, but insists such "common curriculum guidance does not represent a straitjacket or a narrowing of learning possibilities."

The counter-manifesto, organized by Bill Evers of the Hoover Institution, University of Arkansas professors Jay Greene and Sandra Stotsky, Greg Forster of the Foundation for Educational Choice, and former U.S. Department of Education official Ze'ev Wurman, is also a protest against the federal government funding the development of national assessments and instructional materials (\$330 million and \$31.6 million respectively). The document argues that shared curriculum will lock in an unacceptable status quo, threaten state and local control of education, and impose a one-size-fits-all model on students with diverse needs. It also notes that federal law prohibits a national curriculum and tests.

Shanker signatories and other proponents of national standards, assessments, and curriculum maintain that the entire enterprise is voluntary. Randi Weingarten, president of the AFT and prominent signatory of the Shanker paper, asserts that the counter-manifesto's claim that the "Call for Common Content" is "about creation of a 'national curriculum' and 'national standards' is just plain wrong." She and other Shanker signatories insist they aren't advocating for one curriculum for all students, but for multiple "curricular guides" that teachers can use at their discretion.

Frederick Hess, director of education policy at the American Enterprise Institute declined to sign the "Call for Common Content" despite his support for common standards. The Shanker signatories "can't go on about a 'coherent, substantive, sequential' plan for the 'knowledge and skills' students need and still claim there is enormous room for people to come out with all kinds of instructional and curricular materials," he said. "What they're pushing is a national model of instruction."

Counter-manifesto co-author Jay Greene accused the Shanker group of resorting to stealth tactics instead of choosing to defend their nationalization agenda openly. "I think it's odd that they are denying that they are trying to establish national curriculum," he said. "Their denials sound like weasel words: 'Curriculum modules' are not 'curriculum.' It just sounds like someone trying to impose national curriculum who doesn't want to be called out for it."

The Obama administration has also stressed that state adoption of the Common Standards and related tests and curriculum is optional, but only the willfully credulous can ignore all the federal carrots and sticks being used to coerce states into "voluntary" compliance. At a time when the national fiscal climate is dismal and state revenues are in decline, states are increasingly dependent on federal funding for public schools. Even the possibility of receiving a one-time federal cash infusion prompted many states to change laws in order to qualify for the Race to the Top grant.

Moreover, President Obama has repeatedly said that he wants \$15 billion in Title I funds to be contingent on states adopting Common Standards and assessments. Future Race to the Top grants proposed by the Education Department may also require adherence to the Common Core standards, tests and curriculum.

Despite all the financial inducements to cede state educational control to federal bureaucrats, counter-manifesto signatory Shelby Steele of Stanford University's Hoover Institution urged Americans to consider the long-term consequences. "Decentralization has been the engine of educational innovation. We shouldn't trade our federalist birthright for a national-curriculum mess of pottage," he said. (*Education Week*, [5-18-11](#) and [3-9-11](#); *School Reform News*, [5-20-11](#))



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SEPTEMBER 6, 2011 11:54AM

## Yes, the Department of Education Is Unconstitutional

By ADAM B. SCHAEFFER (/PEOPLE/ADAM-SCHAEFFER)

Tina Korbe at HotAir had a mostly-great post (<http://hotair.com/archives/2011/09/05/bachmann-why-do-we-need-a-department-of-education-anyway/>) on Michele Bachmann's completely correct observation that the federal government is not authorized by the Constitution to muck about in education.

Specifically, Bachmann said, "[T]he Constitution does not specifically enumerate nor does it give to the federal government the role and duty to superintend over education that historically has been held by the parents and by local communities and by state governments." Kudos to Bachmann for that. My colleague Neal McCluskey (<http://www.cato.org/./on-federal-education-think-progress-should-think-harder/>) is the go-to guy (<http://www.cato.org/./what-constitution-what-monopoly-what-failure/>) on all of this, and explains ([http://www.cato.org/pub\\_display.php?pub\\_id=11240](http://www.cato.org/pub_display.php?pub_id=11240)) it very succinctly ([http://www.cato.org/pub\\_display.php?pub\\_id=12680](http://www.cato.org/pub_display.php?pub_id=12680)) in many ([http://www.cato.org/pub\\_display.php?pub\\_id=5042](http://www.cato.org/pub_display.php?pub_id=5042)) places.

Korbe notes that Bachmann is right about the Constitution, but in an "update" at the



end of her post, inexplicably adds:

Just wanted to clarify that Bachmann is “right about the Constitution” insofar as she says that the Constitution does not explicitly enumerate education as among the responsibilities of the federal government. I do *not* think the Ed Department is unconstitutional — but neither is it constitutionally mandated, leaving the people with the option of determining whether education is best directed at the federal or state level.

The Department of Education, along with so much else the federal government does, is unconstitutional. The only things that are constitutional for it to do are those things enumerated in the Constitution. Hence, if something is not listed there, it cannot do that something, period. That’s the whole point of enumerated powers.

Tina, I think a second “update” is in order!

Oh, and the feds have manifestly failed (<http://www.cato.org/pubs/handbook/hb111/hb111-20.pdf>) to achieve anything with their involvement over the decades.

Topics [Education and Child Policy \(/blog/topics/education-and-child-policy\)](/blog/topics/education-and-child-policy)

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